



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

November 22, 2019

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/22/2019

VIA ECF

Hon. Valerie E. Caproni  
United States District Judge  
United States District Court  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**Re: Lavy, et al. v. Cuccinelli, et al., No. 19 Civ. 9912 (VEC)**

Dear Judge Caproni:

This Office represents the government in this action in which plaintiffs seek an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate their Immigrant Petitions by Alien Entrepreneur (Form I-526). On behalf of the government, I write respectfully to request that the initial conference presently scheduled for December 6, 2019 be adjourned to a date at least one week after January 3, 2020.

By way of background, this Office was served with a copy of the complaint on November 4, 2019, and thus the government’s response to the complaint is due January 3, 2020. *See* Fed. R. Civ. P. 12(a)(2). The adjournment is respectfully requested to provide the government with time to investigate the facts and circumstances of the case and to formulate its position in this litigation as afforded by the Federal Rules of Civil Procedure. In light of the request to adjourn the initial conference, the government also requests that the November 27, 2019 deadline to submit the accompanying joint letter also be extended accordingly.

This is the government’s first request to adjourn the initial conference and to extend the deadline to submit the joint letter. Plaintiffs’ counsel does not consent to this request and provides the following reason:

*Please note in your letter that we do oppose adjournment as we timely served the complaint (November 4); service was effected more than a month before the scheduled pre-trial conference; counsel for plaintiffs are traveling from out of town and have already acquired plane tickets, hotel reservations, and moved other hearings to appear at the pre-trial conference; and there is no indication the Defendant cannot appear at the already scheduled pre-trial conference.*

I thank the Court for its consideration of this letter.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

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cc: Counsel of record (via ECF)

The initial conference is adjourned to **January 10, 2020, at 10:00 A.M.** The parties' joint pre-conference submissions are due on or before **January 2, 2020.**

SO ORDERED.

Date: 11/22/2019



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE